

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, AUGUST 11, 1992
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 11:07 a.m. The meeting was recessed by Deputy Mayor Roberts at 12:06 p.m. The meeting was reconvened by Mayor O'Connor at 2:02 p.m. with Council Members Hartley, Behr, and Filner not present. Mayor O'Connor recessed the meeting at 2:05 p.m. to convene in Closed Session in the 12th floor Conference Room to discuss pending litigation. Mayor O'Connor reconvened the meeting at 2:32 p.m. with Council Member Filner not present. Mayor O'Connor convened jointly as the City Council and the Redevelopment Agency at 6:02 p.m. Mayor O'Connor adjourned the meeting at 6:20 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-excused by
R-280659 (City business in Washington,
D. C.)

Clerk-Abdelnour (so/rb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

PUBLIC COMMENT:

ITEM-PC-2:

Comments by Don Stillwell regarding the interest on the National debt and our leaders' responsibility to the public to not collect for this debt in the form of more taxes.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A004-030.)

COUNCIL COMMENT:

ITEM-CC-2: REFERRED TO THE CITY ATTORNEY AND CITY MANAGER

Comments by Behr and McCarty regarding policy direction for the State budget, requesting that Mayor O'Connor work with the City Attorney's Office and the City Manager to implement those legal actions that are necessary over the legislative recess. The City Manager is to come back with mandates the City is facing and can stop complying with, without jeopardizing the health and safety of the citizens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H281-302.)

ITEM-102: (R-93-39) CONTINUED TO SEPTEMBER 14, 1992

Awarding a contract to Imperial West Chemical Co., for furnishing ferric chloride, as may be required for a period of one year beginning November 1, 1992 through October 31, 1993, for estimated cost of \$3,217,953.75, including tax, with an option to renew the contract for four additional one year periods with price escalations not to exceed 25 percent of prices in effect at the end of the prior year; authorizing the Purchasing Agent to obtain ferric chloride from either of the other two bidders under the terms of the emergency pricing agreement, or to obtain this material on the open market until the requirement can be rebid, in the event the contractor fails at any time during the contract period to deliver material meeting specifications.
(BID-B3185/92)

FILE LOCATION:

COUNCIL ACTION: (Tape location: A046-068.)

MOTION BY McCARTY TO CONTINUE TO SEPTEMBER 14, 1992 AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-121:

Two actions relative to the Fiscal Year 1993 Household Hazardous Materials Management Program (HHMMP):
(See City Manager Report CMR-92-246.)

Subitem-A: (R-93-190) ADOPTED AS RESOLUTION R-280547

Authorizing the execution of an agreement with the County Department of Health Services, to provide public outreach services for the Fiscal Year 1993 Household Hazardous Materials Management Program (HHMMP); authorizing the expenditure of an amount not to exceed \$192,800 from Fund No. 41200, Dept. 751, and Fund No. 40012, Dept. No. 700, for the purpose of providing funds for the project; authorizing the City Manager to expend a sum not to exceed \$31,400 for additional unforeseen costs.

Subitem-B: (R-93-192) ADOPTED ON AUGUST 10, 1992

Authorizing the execution of an agreement with the Greenfield Services Corporation, to provide collection and disposal services for the Fiscal Year 1993 Household Hazardous Materials Management Program (HHMMP); authorizing the expenditure of an amount not to exceed \$480,000 from Fund No. 41200, Dept. 751, and Fund No. 40012, Dept. No. 700, for the purpose of providing funds for the project; authorizing the City Manager to expend a sum not to exceed \$31,400 for additional unforeseen costs.

Aud. Certs. 9300093 and 9300094.

FILE LOCATION: MEET CONFY93-2

COUNCIL ACTION: (Tape location: A074-367.)

Motion by Hartley to approve an authorization of \$104,000 for a hotline and administrative overhead and hold \$88,800 contingent upon the appeal process. No vote.

MOTION BY McCARTY TO ADOPT SUBITEM-A. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-nay, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-202: (R-93-211 Rev.) ADOPTED AS AMENDED AS RESOLUTION
R-280554

Approving the Fiscal Year 1993 Agency Budget for the San Diego Convention Center Corporation, Inc.; authorizing the execution of a second amendment to the agreement with San Diego Convention Center Corporation, Inc., to incur costs or expenses exceeding the approved fiscal year budget, so long as the revenue generated by the Corporation is an amount equal to or greater than such cost or expense; authorizing the City Auditor and Comptroller to reimburse the San Diego Convention Center Corporation the amount of \$213,437.09 from the New Convention Facility Fund (10225) for prior year unreimbursed expenditures.

(See City Manager Report CMR-92-252. District-2.)

Aud. Cert. 9300110.

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, August 11, 1992**

Page 5

FILE LOCATION: MEET CONT FY93-1

COUNCIL ACTION: (Tape location: F236-G090.)

Motion by McCarty to approve the budget less \$23,500. No second.

MOTION BY STEVENS TO ADOPT THE BUDGET AS SUBMITTED WITH THE CAVEAT OF A REOPENER DEPENDING UPON WHAT HAPPENS WITH THE STATE BUDGET. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

Substitute motion by Roberts to make a cut of \$50,000 and modify Council Member Stevens's motion to include a reopener at such time as we find out what the State is doing overall. No second.

ITEM-209: (R-93-207) ADOPTED AS RESOLUTION R-280548

Council confirmation of the following appointment and reappointments by the Mayor to serve as members of the Wetlands Advisory Board, for terms ending July 1, 1994: (See memorandum from Mayor O'Connor dated 7/28/92 with resume attached.)

Appointment:

Allen M. Jones (Landowner)

Reappointments:

Dr. Mia J. Tegner (Marine Resources)

Dr. Ellen Bauder (Wetlands Scientist)

Lori Saldano (Fundraiser)

Manuel Nieto (Land Use Expert)

Paul Slayton (Fresh Water Habitat)

Isabelle S. Kay (Wetlands Scientist)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B073-094.)

MOTION BY HARTLEY TO ADOPT. Second by Stallings. Passed by the following Note: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, August 11, 1992**

Page 6

ITEM-330: (O-93-25) INTRODUCED AND ADOPTED AS ORDINANCE
O-17826 (New Series)

Adoption of an Ordinance fixing the Tax Rates and
levying taxes for Fiscal Year 1992-93.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B071-073.)

MOTION BY McCARTY TO INTRODUCE AND ADOPT. Second by
Stallings. Passed by the following vote: Wolfsheimer-yea,
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea,
Stallings-yea, McCarty-yea, Filner-not present, Mayor
O'Connor-yea.

ITEM-331:

Two actions relative to the Hillery Drive Traffic
Signal Cost Reimbursement District:
(Mira Mesa Community Area. District-5.)

Subitem-A: (R-93-193) ADOPTED AS RESOLUTION R-280549

Establishing the Hillery Drive Traffic Signal Cost
Reimbursement District; setting the limiting period for
when assessed costs are due and payable at 20 years;
declaring that this resolution represents a lawful lien
enacted against each parcel.

Subitem-B: (R-93-194) ADOPTED AS RESOLUTION R-280550

Authorizing the execution of a first amendment to the
agreement with Pardee Construction Company relative to
the Hillery Drive Traffic Signal Cost Reimbursement
District.

CITY MANAGER SUPPORTING INFORMATION: On September 23, 1991,
Council authorized the City Manager to execute a reimbursement
agreement with the developer, Pardee Construction Company, to
design and construct a traffic signal at Black Mountain Road and
Hillery Drive. This traffic signal was initially listed under
project title "Annual Allocation-Construct Top 10-15 Prioritized
Traffic Signals" in the 1990 Capital Improvements Program and is
currently identified as a public improvement need in the Public
Facilities Financing Plan for the Mira Mesa community. In
accordance with the reimbursement agreement, the developer is to
provide the traffic signal and receive compensation for project

costs incurred. The project has been identified in the CIP and the Mira Mesa Financing Plan as a shared responsibility of the City and private development.

Based on this mutual benefit, project funding will be derived from two sources. Council previously approved CIP funds in the amount of \$55,000 to provide the City's portion of the project cost. It is proposed that a cost reimbursement district be formed to fund the private portion. This Council action would authorize the district and provide for reimbursement to the developer for the private share of the project costs. Upon formation of the district, liens will be placed on properties which benefit from the improvement. Liens would be payable when a benefitting property owner files a final map or applies for a building permit valued in excess of \$20,000 within a 20-year period from the date of district formation. A notice of today's public hearing was sent to all affected property owners a minimum of 20 days prior to today's hearing.

FILE LOCATION: STRT CR-21

COUNCIL ACTION: (Tape location: B066-071.)

Hearing began at 11:52 a.m. and halted at 11:53 a.m.

MOTION BY BEHR TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-332: CONTINUED TO SEPTEMBER 22, 1992

Matter of an amendment to the Planning Department, "Schedule of Fees and Deposits" (Resolution RR-278367), to include a biannual Correctional Placement Center Monitoring and Enforcement Fee; and to amend the personnel authorization of the Planning Department in the General Fund (Ordinance OO-17667), by adding one Senior Zoning Investigator to monitor and enforce the Correctional Placement Center ordinance and regulations.
(Citywide)

Subitem-A: (R-93-76)

Adoption of a Resolution amending the Planning Department "Schedule of Fees and Deposits."

Subitem-B: (O-93-12)

First public hearing of an Ordinance amending the personnel authorization of the Planning Department in the General Fund to add one Senior Zone Investigator.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A046-068.)

MOTION BY McCARTY TO CONTINUE TO SEPTEMBER 22, 1992 AT THE REQUEST OF THE CONTRACTOR FOR THE COUNTY TO AWARD THIS CONTRACT TO A PRIVATE WORK FURLOUGH DETENTION FACILITY OPERATOR AND TO WORK OUT THE COUNTY'S RESPONSIBILITIES IN AREAS SUCH AS WORK FURLOUGH AND OTHER ALTERNATIVE SENTENCING PROCEDURES. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-333: CONTINUED TO SEPTEMBER 15, 1992

Matter of a Precise Plan for the Central Mesa of Balboa Park. The Central Mesa contains 193 acres and is bounded by I-5 on the south; Park Boulevard on the east; Upas Street on the north and State Route 163 on the west. Excluded from the planning area are the San Diego Zoo and Roosevelt Jr. High School. The purpose of the Plan is to guide development within the Central Mesa for the next twenty years.
(Balboa Park Community Area. District-3.)

Subitem-A: (R-93-107)

Adoption of a Resolution certifying that the information contained in the Supplemental Environmental Impact Report DEP-91-0686 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-93-106)

Adoption of a Resolution adopting a Precise Plan to
guide development within the Central Mesa Area of
Balboa Park.

NOTE: The project proponent must furnish Council with the
proposed findings in keeping with Section 21081 of the California
Public Resources Code.

FILE LOCATION: LAND - Central Mesa Area of Balboa Park
Precise Plan

COUNCIL ACTION: Tape location: A046-068.)

MOTION BY McCARTY TO CONTINUE TO SEPTEMBER 15, 1992 FOR
PLANNING COMMISSION REVIEW OF THE EIR. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,
McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-334: CONTINUED TO SEPTEMBER 14, 1992

Two actions relative to the Penasquitos East Facilities
Benefit Assessment:
(See City Manager Report CMR-92-158. District-1.)

Subitem-A: (R-92-1737)

Approving the document entitled "Penasquitos East
Public Facilities Financing Plan and Facilities
Benefit Assessment, April, 1992".

Subitem-B: (R-92-1738)

Resolution of Intention to designate an area of benefit
in Penasquitos East and setting the time and place for
holding a public hearing.

COMMITTEE ACTION: The Penasquitos East FBA has been at
Transportation, Planning and Environment (TPE) Committee a number
of times over the past few weeks. Twice the Committee referred
the item back to staff of the Engineering and Development
Department to work out further details and amendments with the
Penasquitos Community Planning Group. On 7/27/92, the item was
on the TP&E agenda.

However, due to lack of quorum, it could not be heard.
Therefore, after checking with other TP&E Committee members'

offices to assure there were no further outstanding issues, Committee Chairperson Wolfsheimer has requested the matter be scheduled for full Council on 8/11/92, so that the FBA can be updated and completed expeditiously now that all issues appear to have been resolved.

FILE LOCATION:

COUNCIL ACTION: (Tape location: B094-205;C067-092.)

Motion by Wolfsheimer to adopt with a reduction in the number of dwelling units by 65. The community requests this reduction which complies with the underlying zoning. No vote. Trailed to the afternoon session.

MOTION BY WOLFSHEIMER TO CONTINUE THE ITEM TO SEPTEMBER 14, 1992, FOR FURTHER INFORMATION FROM STAFF REGARDING THE REDUCTION IN THE NUMBER OF DWELLING UNITS. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-335: TRAILED TO SEPTEMBER 14, 1992 AS UNFINISHED BUSINESS

Two actions relative to future paramedic services:

Subitem-A: (R-93-185)

Adoption of a Resolution regarding future paramedic services delivery.

Subitem-B: (R-93-186)

Adoption of a Resolution regarding shared system for paramedic services.

FILE LOCATION:

COUNCIL ACTION: (Tape location: C104-235;C245-F218.)

Motion by Roberts to approve the following: 1) refer the ALS first-responder study to the Base Station Physicians' Committee for review at their September 15th meeting; 2) direct the Manager to begin negotiations with Hartson regarding a renewal of the two-year option on the current Hartson contract; 3) direct the Manager to proceed with the

preparation of the RFP; and 4) direct the Manager to report back to the Council on September 29, 1992 with the results of the elements raised in points (1), (2), and (3). Second by Hartley. Vote not taken. The motion was later voted on separately.

Motion by Stevens to amend Council Member Roberts' motion to include discussion of a two-year agreement with the Fire Department. Second by Mayor O'Connor. Motion withdrawn by Stevens.

MOTION BY ROBERTS TO REFER THE ALS FIRST-RESPONDER STUDY TO THE BASE STATION PHYSICIANS' COMMITTEE FOR REVIEW AT THEIR SEPTEMBER 15 MEETING, AND TO ACCEPT COUNCIL MEMBER WOLFSHEIMER'S MODIFICATION AS A FRIENDLY AMENDMENT TO INCLUDE THE OPINIONS OF EACH AND EVERY DOCTOR WHO IS HEADING AN EMERGENCY ROOM TODAY (AUGUST 11, 1992) AT 4:00 P.M. IN SAN DIEGO. CITY MANAGER IS DIRECTED TO REPORT BACK TO COUNCIL ON SEPTEMBER 29, 1992. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-nay.

Motion by Stevens to not negotiate with Hartson until after we decide whether or not to go out for an RFP. Second by Mayor O'Connor. Failed. Yeas: 4,M. Nays: 1,2,3,5,6,7. Not present: 8.

Motion by Roberts to direct the Manager to begin negotiations with Hartson regarding a renewal of the two-year option on the current Hartson contract. Second by Hartley. Failed. Yeas: 1,2,3,6. Nays: 4,5,7,M. Not present: 8.

Motion by Roberts to direct the Manager to proceed with the preparation of the RFP. Motion withdrawn by Roberts.

Substitute motion by McCarty to move ahead with the RFP. Second by Stevens. Failed. Yeas: 4,7,M. Nays: 1,2,3,5,6. Not present: 8.

Motion by McCarty to adopt Subitem-B, expansion of the shared-system program. Second by Mayor O'Connor. Failed. Yeas: 4,5,7,M. Nays: 1,2,3,6. Not present: 8.

ITEM-S405: (R-93-224) ADOPTED AS RESOLUTION R-280551

Authorizing the execution of a second amendment to the lease with Tishman Speyer PCA Partners, to lease an additional 2,034 square feet in the building located at 525 B Street; authorizing the expenditure of an amount not to exceed \$28,831.51 from the Retirement Department Fund 60011/88, for the purpose of providing funds for the lease.

(Centre City Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: In 1988, the City executed a lease with Tishman Speyer PCA Partners (Lessor) for office space in the Union Bank Building at 525 B Street for the City Retirement Office for a term ending in August 1993. A first amendment to the lease was executed in 1990 which expanded the space to a total of 4,903 sq.ft. The City presently pays \$79,428.48 per year, which equates to \$1.35 per sq.ft. per month. The lease provides that rent increases by 3 percent on June 1 of each year. In addition, the City is required to pay a prorata share of the building's operating costs. The lessor and the City Retirement Administration now desire to expand the rented area by 2,034 sq.ft. of contiguous space, (referred to as the Expansion Space) for the purpose of accommodating additional staff and to extend the term to August 1997. The lessor has agreed to provide the City with temporary space at no cost while tenant improvements are installed in the Expansion Space. The lessor will provide a tenant improvement allowance of \$10 per sq.ft. The new space will contain two offices for supervisors and desk space for four new office staff. The new rent will be \$112,379.28, which includes an increase of \$32,950.80 for the Expansion Space and equates to the same rate per square foot. The rent will commence upon completion of tenant improvements.

Aud. Cert. 9300075.

FILE LOCATION: LEAS-Tishman Speyer PCA Partners
LEASFY93-1

COUNCIL ACTION: (Tape location: A367-B060.)

Motion by Roberts to adopt. Second by McCarty. No vote.

Motion by Behr to continue to September 14, 1992 for additional data on the \$1.35 lease rate and how this is justified in comparison to other leases that will be renegotiated subject to Article 37. Staff is directed to see if there is another bargain or a better deal that could save the City some money. Second by Wolfsheimer. The motion was withdrawn by Behr.

MOTION BY McCARTY TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S407: (R-93-261) ADOPTED AS RESOLUTION R-280555

Communication from Deputy Mayor Roberts regarding a Proposed State Council for Crime Control and California Justice System Review.

COMMITTEE ACTION: Forwarded to full Council due to the canceled COMM meeting of 8/5/92 (Agenda Item 2.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G091-094.)

MOTION BY ROBERTS TO ADOPT. Second by Mayor O'Connor. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S418: (R-93-248) ADOPTED AS RESOLUTION R-280556

Authorizing the City Council to schedule and convene one or more hearings to receive public testimony on the need to include MBE/WBE participation as a weighted consultant selection criterion.

CITY MANAGER SUPPORTING INFORMATION: Staff was asked to develop a plan to obtain anecdotal and statistical evidence necessary to support the inclusion of MBE/WBE participation as a weighted consultant selection criterion. The City Attorney advises that both anecdotal and statistical evidence must be provided to establish a factual predicate for the use of this criteria. The City Council should convene one or more hearings to consider public testimony on the need for MBE/WBE participation as a weighted selection criteria. The City's history of consultant contract awards for the eight years since the Equal Opportunity Programs were established is attached to the 1472 as Exhibit A. When the public testimony is evaluated, the City Attorney may opine that further statistical data is required. Although MBE/WBE participation has long been a selection consideration, department records indicate that it was first formally included as a weighted selection criteria in FY 1991. Copies of various

forms of selection criteria used by the Clean Water Program and the Engineering and Development Departments are attached to the 1472 as Exhibits B through G. As the Administrative Regulation guiding consultant selection does not require each department to employ identical criteria, the Engineering and Development Department, Design Division has allowed 20 to 100 points for MBE/WBE participation considerations while initially the Clean Water Program allowed for 10 percent. In addition, from March 1991 to June 1992, Engineering and Development allowed MBE/WBE prime consultants an additional 5 points in the selection process, Exhibits E and F. Although the Clean Water Program adopted this format in March 1992, (Exhibit C) it was never applied in a selection process. In a June 16, 1992 memo (Exhibit H), the City Manager directed all departments to discontinue use of MBE/WBE participation as a weighted selection criterion and to use instead a new criterion, "Demonstrated Commitment to Equal Opportunity," which is currently in use and is also weighted.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G429-471.)

MOTION BY McCARTY TO ADOPT, ACCEPTING THE CITY MANAGER'S RECOMMENDATION AND SETTING THE HEARING FOR SEPTEMBER 29, 1992. Second by Stallings. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S422: (R-93-250) ADOPTED AS RESOLUTION R-280557

Authorizing the continued retention of financing consultants for the consumers' alternative and setting not-to-exceed limits on their fees.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G108-428.)

Motion by Stevens to approve the first two contracts and continue the other agreement. No second.

MOTION BY ROBERTS TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S500: (O-93-26) INTRODUCED AND ADOPTED AS ORDINANCE
O-17827 (New Series)

Introduction and adoption of an Ordinance amending Ordinance No. O-17781 (New Series), entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1992-93 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending the personnel authorization of the City Manager's Department to exempt a new Homeless Services Coordinator position in the Community Services Program (058) from the Classified Service, and establishing a Salary Rate.

NOTE: See Item S412 on the docket of August 10, 1992 for the first public hearing.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G100-105.)

MOTION BY STALLINGS TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S501: (O-92-107) INTRODUCED, TO BE ADOPTED SEPTEMBER
14, 1992

(Continued from the meeting of August 4, 1992, Item 332, at Mayor O'Connor's request, to review information further.)

Introduction of an Ordinance relating to administrative amendments to the Marina Planned District Ordinance which will change the design review process to be consistent with the Redevelopment Agency's modified design review process, the Centre City Planned District Ordinance and the Gaslamp Quarter Planned District Ordinance. This revised design review process will eliminate Planning Commission review of projects within the Centre City Redevelopment Project areas and establish the Executive Vice President of the Centre City Development Corporation as the decision maker for granting certain conditional use permits within the boundaries of the Marina Planned District.
(District-8.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: H075-090.)

Hearing began at 6:02 p.m. and halted at 6:04 p.m.

MOTION BY ROBERTS TO INTRODUCE. Second by Stallings.
Passed by the following vote: Wolfsheimer-not present,
Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea,
Stallings-yea, McCarty-yea, Filner-not present, Mayor
O'Connor-yea.

ITEM-S502: (R-93-200) ADOPTED AS RESOLUTION R-280558

Adopting the administrative budget for the Southeast
Economic Development Corporation, Inc. (SEDC);
authorizing the expenditure of available funds in
Fiscal Year 1992/1993 so long as funds are available
from the tax increment generated by projects; from land
sale proceeds; from allocation of funds by the Council
of the City of San Diego from such sources as Community
Development Block Grants, sales tax or others; and from
the allocation of funds by such entities as the
Economic Development Administration and others.
(See SEDC Memorandum dated 5/13/92.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H010-071.)

MOTION BY STEVENS TO ADOPT. Second by McCarty. Passed by
the following vote: Wolfsheimer-not present, Roberts-yea,
Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea,
McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S503: (R-93-218) CONTINUED TO SEPTEMBER 15, 1992

(Continued from the meeting of August 4, 1992, Item
S503, at Mayor O'Connor's request, to review
information further.)
Determining that the use of funds from the Marina
Redevelopment Project Low and Moderate Income Housing
Fund toward the construction of a development, Horton
Fourth Avenue, within the Horton Plaza Redevelopment
Project, will be of benefit to the Marina Redevelopment
Project.

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, August 11, 1992**

Page 17

(See memorandum from CCDC Executive Vice President
dated 7/28/92. District-2.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: C010-066;C235-244.)

Motion by Wolfsheimer to continue the item until after the legislative recess, September 15, 1992 as requested by Mayor O'Connor. Second by Mayor O'Connor. Vote not taken.

MOTION BY ROBERTS TO CONTINUE THE ITEM TO SEPTEMBER 15, 1992, FOR ADDITIONAL INFORMATION AS REQUESTED BY MAYOR O'CONNOR. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S504: (R-93-241) ADOPTED AS RESOLUTION R-280559

Authorizing the City Auditor and Comptroller to set aside and expend an amount not to exceed \$160,000 from Public Liability Claim Fund 81140 to augment Resolution No. R-278507 for expenses incurred in Spaulding and Bray v. City of San Diego; authorizing the City Manager to expend up to an additional \$160,000 for legal fees and costs in the cases of Spaulding and Bray v. City of San Diego.

CITY MANAGER SUPPORTING INFORMATION: The requested \$160,000 is a supplement to the previously requested \$116,539.32 outlined in R-280468 and approved by City Council on August 3, 1992 for those services and fees that will be incurred after May 31, 1992, by the City's outside counsel.

Aud. Cert. 9300126.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G479-555.)

MOTION BY ROBERTS TO ADOPT, APPROVING THE CITY MANAGER'S RECOMMENDATION. Second by Behr. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, August 11, 1992**

Page 18

ITEM-S505: RECOGNIZED

Recognizing a group of students from the Copley YMCA
PRYDE Program.
(District-3.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A030-046.)

ITEM-CS-1: (R-93-239) ADOPTED AS RESOLUTION R-280552

A Resolution adopted by the City Council in Closed
Session on August 11, 1992:

The City Manager be and he is hereby authorized and
empowered to pay the sum of \$24,551.38 in the
settlement of each and every claim against the City of
San Diego, its agents and employees resulting from
property damage sustained by Roger Linton, Craig Jones,
Diane Damitz and Don Morehead.

The City Auditor and Comptroller be and he is hereby
authorized to issue one check in the amount of
\$24,551.38, made payable to Luth & Turley, Inc., in
full settlement of all claims.

Aud. Cert. 9300115

FILE LOCATION: MEET

ITEM-CS-2: (R-93-240) ADOPTED AS RESOLUTION R-280553

A Resolution adopted by the City Council in Closed
Session on August 11, 1992:

The City Manager be and he is hereby authorized and
empowered to pay the sum of \$44,373.78 in the
settlement of each and every claim against the City of
San Diego, its agents and employees resulting from
property damage to the property of Dennis Devlin. The
City Auditor and Comptroller be and he is hereby
authorized to issue one check in the amount of
\$44,373.78, made payable to Luth and Turley, Inc., in
full settlement of all claims.

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, August 11, 1992**

Page 19

Aud. Cert. 9300111

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 6:20 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H302).